

1 Cory Jenkins  
2 3385 Euclid Heights Blvd.  
3 Cleveland Heights, Ohio 44118  
4 917 698-0385

FILED  
12 MAY -2 PM 1:57  
U.S. DISTRICT COURT  
CLEVELAND

6 IN THE UNITED STATES DISTRICT COURT

7 NORTHERN DISTRICT OF OHIO

8 CORY JENKINS, pro per,

9 Plaintiff,

10 vs.

11 NCO FINANCIAL SYSTEMS,

12 Defendant.

1:12 CV 1091

Case No. \_\_\_\_\_

JUDGE GWIN

MAG. JUDGE BAUGHMAN

14 COMPLAINT

15 Plaintiff, Cory Jenkins, individually, hereby sues Defendant, NCO FINANCIAL  
16 SYSTEMS for violations of the Telephone Consumer Protection Act (TCPA) Sec. 227., 47  
17 USC § 227(b)(1), 47 USC § 227(a) (iii).  
18

19 PRELIMINARY STATEMENT

- 20
- 21 1. This is an action for damages and injunctive relief brought by Plaintiff against  
22 Defendant for violations of the Telephone Consumer Protection Act (TCPA) Sec. 227.,  
23 47 USC § 227(b)(1), 47 USC § 227(a)(iii).  
24
  - 25 2. Plaintiff contends that Defendant has violated such laws by  
26 repeatedly harassing Plaintiff in attempts to collect alleged but nonexistent debt.  
27  
28

**JURISDICTION AND VENUE**

3. Jurisdiction of this Court arises under 47 U.S.C. §227(b)(3).

4. Venue is proper pursuant to 28 U.S.C. §1391b. Venue in this District is proper in that the Plaintiff resides here, the Defendant transacts business here, and the conduct complained of occurred here.

**FACTUAL ALLEGATIONS**

5. From December 1, 2010 through April 24, 2012, NCO FINANCIAL SYSTEMS violated the TCPA by leaving 56 recorded messages using automatic telephone dialing system or artificial or prerecorded voices on Plaintiff's cell phone.

6. From December 1, 2010 through April 24, 2012, NCO FINANCIAL SYSTEMS violated the TCPA by calling Plaintiff's cell phone 56 times with no prior permission given by Plaintiff.

7. From December 1, 2010 through April 24, 2012 the Defendant NCO FINANCIAL SYSTEMS violated the TCPA by leaving recorded messages on Plaintiff's cell phone without express permission.

8. Defendant placed 56 collection calls to Plaintiff's cell phone number 917-698-0385 from telephone numbers 866-265-1913, 888-209-3124, and 888-472-4921.

**COUNT I**

**VIOLATIONS OF THE TELEPHONE  
CONSUMER PROTECTION ACT 47 U.S.C. §227**

9. Plaintiff alleges and incorporates the information in paragraphs 1 through 8.

10. Defendant NCO FINANCIAL SYSTEMS has demonstrated willful or knowing non-compliance with 47 U.S.C. §227(b)(1)(A) by using an automatic telephone dialing system to call the Plaintiff's number, which is assigned to a cellular telephone service.

11. Defendant NCO FINANCIAL SYSTEMS has committed 56 separate violations of 47 U.S.C. §227(b)(1)(A) and Plaintiff is entitled to damages of \$1500 per violation pursuant to 47 U.S.C. §227(b)(3)(B).

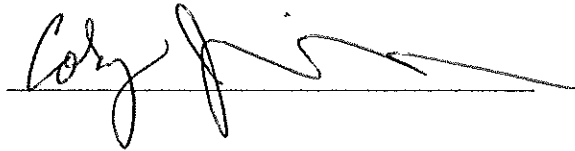
12. Defendant NCO FINANCIAL SYSTEMS has demonstrated willful or knowing non-compliance with 47 U.S.C. §227(b)(1)(A) by calling the Plaintiff's number, which is assigned to a cellular telephone service. The Plaintiff has never given NCO FINANCIAL SYSTEMS permission to call Plaintiffs cell phone. Plaintiff is entitled to damages of \$1500 per violation pursuant to 47 U.S.C. §227(b)(3)(B). Plaintiff and NCO FINANCIAL SYSTEMS do not have an established business relationship within the meaning of 47 U.S.C. §227.

**WHEREFORE**, Plaintiff demands judgment for damages in the amount of \$84,000 against NCO FINANCIAL SYSTEMS for statutory damages.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

Respectfully submitted this 2<sup>nd</sup> day of May, 2012

A handwritten signature in black ink, appearing to read "Cory Jenkins", is written over a horizontal line.

Cory Jenkins

3385 Euclid Heights Blvd.

Cleveland Heights, Ohio 44118

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